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UNITED STATES DISTRICT COURT

DEC 17 2014
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WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANAENRIQUE JERONIMO CASTILLO
AGUILERA

DOCKET NO:1:14-cv-03440

VERSUS

JANET NAPOLITANO, ET AL.

JUDGE DEE D. DRELL
MAGISTRATE JUDGE JAMES D. KIRKRULING

Before the court is a petition for writ of habeas corpus filed December 15, 2014, pursuant to 28 U.S.C. §2241 by petitioner, Enrique Jeronimo Castillo Aguilera (“Castillo Aguilera”). Castillo Aguilera alleges his immigration detention, pending removal to El Salvador, is unlawful under Zadvydas v. Davis, 533 U.S. 678 (2001). Accordingly, he seeks release or, in the alternative, an order, pursuant to 28 U.S.C. §2243, requiring respondents to show cause within three days why he should not be released. (Doc. 1).

Section 2243 provides, in relevant part:

A court, justice or judge entertaining an application for writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, *unless it appears from the application that the applicant or person detained is not entitled thereto.*

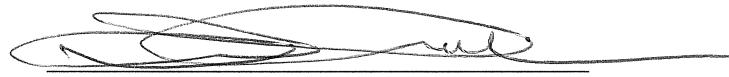
Id. (Emphasis added). As acknowledged by Castillo Aguilera, the Supreme Court held that immigration detention must be limited to a “period reasonably necessary to secure removal” and it is presumptively constitutional to detain an alien for up to six months after the removal order is final. Zadvydas, 533 U.S. at 699-701; (Doc. 1, p. 6). Once the six month period has lapsed, an alien may challenge his detention by demonstrating there is “no significant likelihood of removal within the reasonably foreseeable future.” Id..

In the instant case, Castillo Aguilera admits he has been detained only three months and his petition “is not ripe for adjudication”. (Doc. 1, p.8). He fails to assert any novel arguments

or show a need for an emergency order. In fact, his arguments are typical of those asserted by aliens seeking release from immigration detention once the presumptively reasonable six month time period has lapsed. Accordingly,

IT IS HEREBY ORDERED that Castillo Aguilera's petition for writ of habeas corpus and emergency order to show cause within three days (Doc. 1) is DENIED AND DISMISSED WITHOUT PREJUDICE.

THUS DONE AND SIGNED at Alexandria, Louisiana on this 17 day of December, 2014.



DEE D. DRELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT